

DATE May 27, 1981

memorandum

D12,

TO
FROM

SUBJECT Who Should Manage the DOE Marshall Islands (MI) Program?*

TO W. W. Burr

The first point to be made in considering DOE's MI activities, is that over the past fourteen years there are two types of experience AEC/ERDA/DOE staff have incurred. There is the experience in the Marshalls in frequent visits with the Marshallese people. One cannot be unaffected by these contacts, and by knowing individual Marshallese and their many needs. I have experienced firsthand the feelings of sadness at their misfortune and the desire to want to help. Then there is the experience in Washington with Headquarters staff of DOI, DoD, EPA, and OME with radiation standards, budgets, planning, and congressional committees and their Hearings. I have experienced this as well. Not infrequently, what is best for some group of Marshallese comes into direct conflict with what is best for the DOE or the U.S. As one might expect, on the basis of the diversity of experience cited above, this often has resulted in disagreements with NV staff on one side and Headquarter staff on the other. Occasionally, I have found myself caught in the middle, defending the position of first one side and then the other.

Factors contributing to this problem are that except for the medical followup program, there have been no clear directions from Congress for DOE and its predecessor agencies to provide radiological followup in the Marshalls (we operate on the basis of interagency agreements), and DOE currently has no approved policy and no plan for these activities.

Without a MI policy, recently approved within DOE, it is difficult to answer the question stated above. I suggest there are at least two other questions that need to be considered first:

1. What is DOE's long term goal/intention in the MI? ** Is it to:

- a. Broadly interpret DOE's responsibilities, and to exhibit a willingness to increase its capabilities to provide assistance as requested by other Federal agencies or the MI people and their representatives?

* Dr. Wachholz asked me to think about this question and whether or not this program should be managed by NV. These are my thoughts on the matter.

** DOE's MI activities are at a crossroads. I believe it is not possible to maintain the status quo.

*John Ruckelshaus's Files
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EH*

or

- b. Interpret DOE's responsibilities as narrow and limited, and to avoid, where possible, acceptance of further responsibility and work toward minimizing or ending DOE's activities in the Marshalls. Turn efforts to support DOI and DoD over to others who have legislative authority to provide assistance such as medical and health care services. Limit any future DOE role to followup radiological monitoring and assessments, providing a level of effort that decreases with time?
2. The Marshallese are not U.S. citizens and have formed their own government. Considering that each atoll population also has its own elected council and many groups are represented by legal counsel, should DOE:
 - a. Continue to operate through informal working relationships between NV staff (including staff of the Honolulu office) and individual Marshallese, with the councils of these atoll populations, with the legal counsel for these people, and with officials of the Marshall Islands Government?

or

- b. Operate primarily as scientific advisors for the Department of the Interior (the Federal agency having primary responsibility) and for the Department of Defense, and formally through the Department of State with the new Marshall Islands Government?

My firsthand observations indicate that the image NV representatives have created among many Marshallese is that of influential persons who appear to have almost endless resources compared to Trust Territory officials. Many Marshallese presume that these NV staff speak for the U.S. Government. This raises the question of the propriety of the informal working arrangements and contacts between individual NV staff presumably acting for DOE, and MI citizens, their council, their legal counsel, and officials of the Marshall Islands Government. Various groups of Marshallese see themselves as the injured party, and therefore feel they are entitled to compensation and assistance. Groups such as the Bikinians have acquired a degree of experience and sophistication in dealing with Americans and in influencing U.S. actions. See "The Bikinians, A Study in Forced Migration", by Robert C. Kiste. I understand that various MI groups (in conflict with the desires of their own government officials), very much wish to continue the direct personal contacts they have had with DOE staff that have been so advantageous in the past.

Whether it was their intent or not, I think it a fair representation of facts (certainly more right than wrong) to state that NV staff working in the MI have generally operated in a manner patterned after answers 1a and 2a above, while others in DOE Headquarters have actively supported 1b and 2b. This has caused a degree of friction and a continuing debate over a period of years as to what DOE's policy should be in the Marshalls. The argument between NV and Headquarters staff over whether to expand the role or close EMPL is only a single example. If DOE management favors 1a and 2a, or something akin thereto, I believe those at NV would probably do the best job of implementation. If 1b and 2b are favored, those supporting this approach would probably do the best job. However, I suggest that these policy questions are much more in need of resolution than the question of "who" manages from "where".

Historically, there have been several efforts made to move responsibilities for the MI program elsewhere. Though NV staff may disagree, AEC and ERDA management were never willing to formally give NV more responsibility in the Marshalls than responsibility for logistics support. See attached memo, Liverman to Gates, March 12, 1975. I think this was proper. Note in the memo that Dr. Liverman asked NV to prepare a detailed functional statement which states how that office would implement its role. This could have clarified Headquarter-Field Office responsibilities, but to my knowledge, this was never done.

Two years later, a staff paper was prepared that would have established a "Field Coordination and Management Position of AES Activities in the Pacific Area", reporting directly to the AES. This was not approved. Attached is a collection of 1977 memos treating this effort, for your information...

I believe it is true that over the past several years, MI issues impacting DOE have changed somewhat in character such that they are becoming more political than technical, and more legalistic than scientific. Considering that a very large amount of radiological information has been collected to date, less and less monitoring is needed with time in the MI. DOE's programmatic activities in the Marshalls can be reduced considerably over the next several years. DoD staff have tried very hard to minimize that agency's role and responsibilities in the Marshalls, in spite of their continuing use of Kwajalein, in spite of the 11 ships in Bikini lagoon, and in spite of their responsibility for disposal of contaminated debris in CACTUS crater at Enewetak. DOE has no such interests in this area, and considering DOE's responsibilities, mission related reasons to expend its resources in the MI are minimal.

Through their legal counsels, Marshall Island groups have been acquiring their own separate scientific and medical advisors. The costs for services of some of these are paid by the U.S. The justification is lack of trust in DOE radiological information and advice, by the Marshallese. This raises questions such as (1) why DOE continues, if the agency lacks credibility, (2) why not assign the effort to some group other than NV that would enhance credibility? In my view, actions leading to the ending of

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the TT arrangement, uncertainties associated with the Burton Bill, and the appearance of numerous legal and scientific advisors make mandatory a re-evaluation of DOE's role in the MI, and development of a policy that will guide DOE's activities in the Marshalls in the future.

While admitting I am somewhat torn in feelings about these issues, I support the idea of winding down DOE efforts in the MI over the next few years. My suggested answer for the question that is the subject of this memo, is that if it was not prudent to transfer responsibility for the MI program to the field in the past when MI was under the Trust Territory and DOI, it seems much less prudent today as MI becomes part of a separate nation. Certainly, transferring management of the program to that part of DOE that is conducting nuclear tests underground at NTS, would do nothing for DOE's credibility in the Marshalls.

Allowing NV staff to assume responsibility for DOE's MI program and to work at the interagency level in Washington will certainly give the impression (in Washington, Majuro, and Saipan) that DOE wishes to provide leadership in matters such as the Burton Bill and the Compact of Free Association. It is my expectation that with NV in the leadership role without the constraints Headquarters staff have imposed in the past, DOE may well be able to cast responsibilities DoD and DOI wish to unload, and acquire new responsibilities that must fall upon some Federal agencies under the Burton Bill and the Compact. Providing leadership in the Washington scene in these matters is the same as volunteering to accept responsibility and new and enlarged funding requirements for the Marshall Islands, and with no end in sight.

Tommy F. McCraw
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cc: H. Hollister
B. Wachholz